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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/913,643

10/19/2001

Mika Jokinen

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4103

32954 7590 07/22/2009

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100 DAINGERFIELD ROAD  
SUITE 100  
ALEXANDRIA, VA 22314

EXAMINER

FUBARA, BLESSING M

ART UNIT

PAPER NUMBER

1618

MAIL DATE

DELIVERY MODE

07/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MIKA JOKINEN, TIMO PELTOLA, SINIKKA VEITTOLA,  
MANJA AHOLA and PIRJO KORTESUO

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Application No. 09/913,643  
Technology Center: 1600

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Mailed: July 22, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 21, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

APPEAL BRIEF  
SUMMARY OF CLAIMED SUBJECT MATTER

The content under the heading “SUMMARY OF CLAIMED SUBJECT MATTER ” contained in the Appeal Brief filed on November 9, 2007 does not provide a sufficient summary of the independent claims involved in the appeal, which, for each independent claim involved in the appeal, shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. *See* 37 CFR § 41.37(c)(1)(v). In particular, the appellants did not map the independent claims to the specification. Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant’s failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office’s requirement will result in dismissal of the appeal. *See* MPEP § 1215.04 and §711.02(b).

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner to:

- 1) hold the Appeal Brief filed on November 9, 2007, defective;
- 2) notify appellants to file a Supplemental Appeal Brief providing a Summary of the Claimed Subject Matter as required by 37 CFR 41.37(c)(1)(v);

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3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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